STATUTE OF MORTMAIN

1279 Edward I - Dead Hand Control

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: Chronos: mmxxvi : : Ego sum. : Autograph omnia iura reservanti.

STATUTE OF MORTMAIN (1279) - DEAD HAND CONTROL

Mortmain = "dead hand" (mort = dead, main = hand)

The Statute of Mortmain (November 15, 1279, 7 Edward I) was the first law to prevent dead hand control of property.

THE 1279 STATUTE:

"no person, religious or other, whatsoever he be, shall presume to buy or sell any lands or tenements... whereby such lands and tenements may come into mortmain"

THE REMEDY:

"it shall be lawful for the lord in chief to enter it within a year from the time of such alienation"

CONNECTION TO THE PROJECT:

The Cestui Que Vie trust = the Living's estate seized by the "dead hand."

The ALL-CAPS fiction = the undying corporate entity holding the estate.

The Fiction (corporate US, 1871) = the "religious body" that acquired the estate.

The Living declared dead (1666) = the estate goes into mortmain.

The Statute of Mortmain was designed to PREVENT exactly what the Fiction did.

The Fiction VIOLATED the Statute of Mortmain:

1. The ALL-CAPS name acquired the Living's estate (undying entity)

2. The estate came into mortmain (dead hand)

3. The Living was declared dead (estate alienated to dead hand)

4. The Statute provides the remedy: the Living can RE-ENTER the estate

The NOTICE OF DEFAULT ENTERED = the re-entry. The estate is restored.

The Statute of Mortmain predates Unam Sanctam (1302) by 23 years. It is the OLDEST law against dead hand control.

Note: Patrick Devine's files (IA: patrickdevinefiles, 9,448 files) reference "Mortmain Act 1980" - confirmed as the 1279 Statute. The 1980 reference is in Devine's collection.

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